

Remarks

The applicant has presented the above amendments and the following remarks as a full response to the outstanding Office Action. Each issue raised by the Office in the Detailed Action has been either directly addressed by the present response or rendered moot. The applicant respectfully requests the Office's attention to the amendments and arguments presented in this response. Based on the art that has been cited, the applicant respectfully submits that the present claims are allowable and such action is requested of the Office.

As of the issuance of the Office Action, claims 10-25 and 32-34 were pending with claims 1-9 and 26-31 having been cancelled without prejudice.

Claim Rejections – 35 USC § 103

The Office has presented a rejection for claims 10-25 and 32-34 under 35 U.S.C 103(a) as being unpatentable over United States Published Application 2008/0010659 filed in the name of *Zenith* and United States Patent Number 7,350,145 issued to *Wolpe*. Claims 10 and 32 are the only independent claims with the remaining claims depending either directly or indirectly from one of these independent claims.

The applicant contends that the claims are not an obvious combination of the references and, therefore, the applicant respectfully submits that the present claims are allowable.

With regards to claim 10, the claims of the present application are directed towards building a thesaurus or multiple thesauri dynamically during a text messaging session by monitoring the inputs of one or more participants in the text messaging system and storing the inputs into a database. This database can then be analyzed to extract words and/or phrases to build a thesaurus. The thesaurus can then be down loaded to a user and utilized to assist in the completion of typing and thus, accelerate a texting session. These elements are clearly recited in the former version of claim 10. In addition, as amended, claim 10 also recites that the thesaurus is topic oriented in that the thesaurus is created during message session that is related to a particular topic.

Zenith describes the delivery of a social interface over a network, supplemental to and concurrent with television or other similar broadcast content. A client device which integrates a

broadcast media receiver and a computing device provides a platform to deliver an interactive dialog (chat) interface for viewers or users. (See paragraphs 0058-0060). The chatting functionality permits the presentation of chat and the playback of parameterized pre-scripted dialog. (See paragraph 0061) The dialog can be controlled by triggers associated with the broadcast content or can also be directed by interaction with the viewer. The server in the system provides delivery of live and pre-scripted transcripts to the clients. The server provides a synchronized remote application store that is periodically accessed by clients to update the local store. The transcripts are produced and managed from a production console and then placed into the remote application store for delivery to the client's local store or may be provided to a chat server for on-demand delivery to the clients. (See paragraph 0067) The delivery of the script is controlled by a production team for a system referred to as the Future Radio. The Chat Server described in Zenith provides the live and interactive broadcast of transcripts allowing the production team to interact with viewers in real-time. In addition, the Chat Server enables viewers to exchange real-time dialog when using the chat client. (See paragraphs 0068-0071)

The Office argues that *Zenith* teaches a method of preparing and managing one or more transcripts at a server, wherein the one or more transcripts are used for accelerating the creation of a text message via an input device by a user. The actual language that the Office is referring to is the preamble of claim 10 which reads, *A method of preparing and managing one or more thesauri at a server, wherein the one or more thesauri are used for accelerating the creation of a text message via an input device by a user*, which is slightly different than what the Office quotes. And although this language appears in the preamble of the claim and as such, is not limiting, the applicant nonetheless wants to respectfully point out its disagreement with the Office's position.

Zenith teaches a production team creating transcripts at a production console. The Office is apparently equating this to preparing and managing one or more thesauri at a server. The applicant respectfully submits that taking this position is a stretch because preparing transcripts at a server, where the transcripts can be downloaded and presented to client devices as a transcript that is pushed to the client for presentment on the client device is significantly different than creating a thesaurus based on input from messaging participants, where the thesaurus can ultimately be downloaded to a client and used to provide suggestions or completions to the user typing at the client. Admittedly, the manner in which the thesaurus is being used, as recited

elements in the claim does not limit itself explicitly to being used to provide suggestions or completions but, the preamble does set up the environment in which the thesaurus is clearly defined as an element that accelerates the completion of typing and further, the claims do recite that the thesaurus is downloaded to the client device when the client device engages in another messaging session that is associated with the same particular topic as the thesaurus.

Thus, the applicant respectfully submits that the environment established in the preamble of claim 10 is not described, suggested or taught in *Zenith*.

The Office also argues that *Zenith* teaches receiving a first plurality of text messages over a first period of time, each of the first plurality of messages being entered by at least one of a plurality of users engaged in a message session. The Office relies on Figs. 9 and 10 and paragraphs 0080 and 0081 of *Zenith* to support this position.

The Office further argues that *Zenith* teaches the element of storing each of the received first plurality of text messages in a database. The Office relies on paragraphs 0067 and 0078 of *Zenith* to support this position.

The applicant respectfully submits that *Zenith* cannot possibly and does not teach both of these elements. Two types of data items are presented in *Zenith* (1) transcripts that are created and stored prior to a dialog session and (2) dialog that is created by viewers participating in a dialog session. Neither of these types of data items equate to the data items described in claim 10. In claim 10, one type of data item is described, a plurality of text messages entered by a user engaged in a message session and that are stored into a database associated with a particular topic, and which is later analyzed to create a thesaurus that is also associated with the particular topic. The transcripts created by the production team in *Zenith* are not created by a user engaged in a message session, but rather a production team prior to a dialog session. The dialog created by viewers is not stored into a database associated with a particular topic.

Thus, *Zenith* cannot and does not teach the following claim 10 elements:

- a. receiving a first plurality of text messages over a first period of time, each of the first plurality of text messages being entered by at least one of a plurality of users engaged in a first message session related to a particular topic;

- b. storing each of the received first plurality of text messages in a database associated with the particular topic;
- c. analyzing the database to prepare a thesaurus, the thesaurus being comprised of at least a portion of the received first plurality of text messages that are stored in the database and is associated with the particular topic;
- d. detecting a communication device initiating a second message session related to the particular topic; and
- e. transmitting the thesaurus associated with the particular topic to the communication device.

Zenith fails to teach the plurality of text messages, entered by a user engaged in a first communication session, that is stored in a database and used to create a topic centric thesaurus. And as such, *Zenith* cannot teach the other elements in claim 10 either, which all build on these elements.

The Office then turns to *Wolpe* admitting that *Zenith* does not specifically teach preparing a thesaurus and receiving a request from at least one user for a thesaurus. However, as the applicant has pointed out, *Zenith* fails to teach a lot more than just this one stated concession. The Office has accused the applicant of attacking the references individually and argues that they must be attached together. However, the applicant disagrees with the Office. Until the Office establishes a prima facie case showing clearly where each element of the claims is taught in the references, the individual references can and must be shown to be insufficient individually. In the present case, the Office has failed to show that *Zenith* teaches any of the elements of claim 10.

Looking more closely at the *Wolpe* reference, *Wolpe* teaches a method of personalizing a document. In *Wolpe*, a document includes one or more change points for which a user can select words or phrases from a pre-populated list for changing the text at the change point and thus customizing the message. *Wolpe* teaches the use of a list of words or phrases that can be used as input for automatically completing a word or phrase that a user types into a change point. *Wolpe* however, does not teach the creation of a thesaurus, or a list of word or phrases based on input typed by a user engaged in a first message session. Further, *Wolpe* does not teach the element of downloading the thesaurus to a client device when it is detected that the client device is entering

into a second messaging session that is associated with the same topic as the first messaging session and the thesaurus. Prioritizing or weighting the suggested completions in *Wolpe* based on a theme is not remotely the same as selecting and downloading a thesaurus based on a messaging session being associated with a particular topic. Stretching *Wolpe* beyond its limits would still only result in a pre-populated, static list that for which elements are weighted based on criteria, whereas the claim recites a completely different thesaurus that is selected based on topic, not the same list organized.

When taking the *Zenith* and the *Wolpe* references together, it is clear that there are several elements that are not described, suggested or taught. As such, the applicant respectfully submits that until the Office can establish a prima facie case of obviousness by identifying each and every element of the claim in the cited references, that the rejection under 35 USC 103 must be withdrawn.

With regards to independent claim 32, the Office has rejected the claim citing “the same rationale” as claim 10...” As it has been clearly shown that the subject matter recited in claim 10 is not, and cannot be, fully anticipated or considered to be obvious by any combination of the references upon which the Office relies, the applicant also respectfully submits that independent claim 32 is in condition for allowance. Accordingly, the applicant respectfully requests the Office to withdraw the rejection and to allow the claim.

With regards to claim 11 specifically, the applicants argue that since *Zenith* does not teach the creation of a first thesaurus using text messages entered by a user engaged in a first messaging session related to a particular topic, that *Zenith* cannot possibly teach updating the thesaurus with a second plurality of text messages and transmitted the updated thesaurus to a client device engaged in a second messaging session related to the same topic.

With regard to claim 12 specifically, the Office argues that *Zenith*, modified by *Wolpe* teach a first and second plurality of text messages associated with at least one topic and each of the text messages is indexed in the database according to the topic. The Office cites *Wolpe* col. 10, lines 5-35 in support of this position. Here, *Wolpe* describes the generation of a message to be sent to a recipient and, the structure of the message is based on at least two menu levels of customization selection (i.e. topics for which the message is to relate such as Occasion, Genre, Hobby/Interest, etc. However, neither *Zenith* or *Wolpe* teach creating a thesaurus that is

associated with a topic and that is created from text messages entered by a user engaged in a communication session associated with the same topic.

With regards to claims 13 and 14 specifically, although *Zenith* may loosely teach a message session occurring in an Internet based chat room, although in actuality it is an integrated broadcast and data system that may not be Internet based whatsoever, it is clear that *Zenith*, modified *Zenith*, and *Zenith* combined with *Wolpe* does not teach the topic of the chat session being selected based on the address of the chat room and the citations presented by the Office are silent with regards to this element.

With regards to claims 16 and 17, *Zenith*, modified *Zenith* and *Zenith* with *Wolpe* do not teach a creation of a thesaurus as claimed, much less selecting and transmitting a thesaurus based on the identity of the user or updating the thesaurus and sending the updated thesaurus to the user.

With regards to claims 18-24, it has been shown that *Zenith*, modified *Zenith* and *Zenith* with *Wolpe* do not teach the claimed thesaurus and thus, cannot possibly teach the other elements related to the thesaurus and recited in these claims.

Further, with regards to claims 11-25 and 33-34, each is an independent claim that depends either directly or indirectly from allowable claims 10 and 32 and, as such, is also in condition for allowance.

Conclusion

For at least the reasons outlined above, the applicant submits that the currently pending claims, namely claims 10-25 and 32-34, are in condition for allowance and respectfully seeks such action from the Office.

If the Office has any questions or if there are any actions that can be handled through an Examiner's Amendment, the applicant requests the Office to contact the attorney of record using the below-provided contact information.

Respectfully submitted,

By: /Gregory Scott Smith/

Gregory Scott Smith

Reg. No. 40,819

Attorney for Applicant

Smith Frohwein Tempel Greenlee Blaha LLC

Two Ravinia Drive, Suite 700

Atlanta, Georgia 30346

(770) 804-9070